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SUBJECT: SERBIA: DOMESTIC CONDEMNATION OF HARADINAJ VERDICT; APPEAL
SOUGHT

REF: 07 BELGRADE 1532

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Summary

¶1. (SBU) Serbia's coalition and opposition parties universally condemned the April 3 decision by The International Criminal Tribunal for the Former Yugoslavia (ICTY), finding former Kosovo Prime Minister Ramush Haradinaj, not guilty of war crimes and crimes against humanity. The political parties only differed in how they believed Serbia should proceed in its future cooperation with The Hague Tribunal. Only Serbia's ethnic Albanians were satisfied with the verdict, further showing the deep divisions in Serbia's ethnic communities. The local ICTY office also expressed concern for what the verdict could mean for future cooperation, but both the National Council for Cooperation with the ICTY and the War Crimes Prosecutor said, cooperation will continue, for now. Government officials responsible for ICTY cooperation said, however, that this verdict, which they see as a travesty of justice, has made their already difficult job more complicated. End Summary.

Reaction of Serbian Leaders

¶2. (U) In the aftermath of the decision, leaders of Serbia's three main parties, the Democratic Party (DS), the Democratic Party of Serbia (DSS) and the Radicals (SRS) strongly condemned the ICTY's verdict. President Boris Tadic (DS) said the verdict represented an injustice. Tadic pointed out that Haradinaj was charged with serious crimes against Serbs, Roma and Albanians and "should be in prison, rather than walk free." In a statement issued by his office Tadic said that he would call on the Prosecutor's Office to file an appeal against the ICTY decision.

¶3. (U) Prime Minister Vojislav Kostunica said that the ICTY's verdict "proves beyond a doubt that this court was not established to provide justice." "Serbia explicitly and openly

states that in addition to Haradinaj's crimes a new major crime has been committed against the Serbs. The Hague Tribunal mocks justice with this verdict and insults the innocent victims of Haradinaj's crimes," Kostunica said. On April 6, Kostunica called on the EU to comment on the ICTY decision to acquit Haradinaj. "It looks like the EU believes that the best answer is to remain silent in relation to the acquittal ... and to pretend like nothing has ever happened," Kostunica said in a government statement. "Serbia will not accept the justification of Haradinaj's crimes against innocent Serbs, nor will it let the matter end."

¶4. (U) Deputy SRS Leader Tomislav Nikolic said on April 4 that international law and justice "had failed in The Hague." According to Nikolic, the verdict proved that "not a single Serb" should be sent to The Hague ever again under any circumstances.

Liberal Democratic Party

¶5. (U) Even the extremely pro-Western Liberal Democratic Party (LDP) expressed its frustration with the verdict. LDP leader Ceda Jovanovic said on April 7 that the decision of the Hague Tribunal to acquit Haradinaj was "hypocritical and immoral." Jovanovic cautioned however, said that radical and nationalist elements in Serbia should not be permitted "to use this terrible feeling of injustice" for political purposes. Jovanovic stressed that regardless of Haradinaj's verdict, the fugitive ICTY indictees Radovan Karadzic and Ratko Mladic must be captured and imprisoned.

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Ethnic Albanians Welcome Verdict

¶6. (U) According to BIRN news service on April 4, Albanian leaders from Southern Serbia welcomed the ICTY Haradinaj acquittal. Skender Destani, a moderate leader who is participating in Serbian elections on May 11 said he understood the acquittal "won't make opponents of Kosovo's independence happy" but said the verdict was "just and right." Ragmi Mustafa, hardline Presevo Mayor who is against participation in May elections, said "the court confirmed what Albanian people already knew, that Haradinaj is innocent" and that the Kosovo Liberation Army's actions against Serbian forces was "just." Mustafa also said he hoped Haradinaj would return to political life "as soon as possible." Hardline deputy Bujanovac Mayor Jonuz Musliu said ICTY proved Haradinaj's "innocence in the just fight that brought our people freedom and the independence of Kosovo."

Verdict Perceived Harmful to Democrats

¶7. (SBU) Former Deputy Prime Minister and University of Belgrade Professor Zarko Korac, (president of the Social Democrats and coalition partner of the LDP) told the Embassy on

April 7 that the Haradinaj verdict came at the wrong time (at the beginning of the election campaign), and would be used by parties that oppose cooperation with the ICTY as a crucial argument against that court and against pro-European parties. Korac said that the verdict would further destroy the ICTY's already bad reputation in Serbia. Korac said that the verdict made the position of the pro-European forces extremely difficult and that the DS coalition would need to marginalize the ICTY issue in the pre-election campaign as much as possible. Korac thought it indicative, however, that the Haradinaj verdict did not receive much attention by viewers in the popular TV B92 political talk show "Impression of the Week." To him, this signified that the public probably expected a "not guilty" verdict in the case.

Local ICTY Office- Concern for Future Cooperation

18. (SBU) Haradinaj's not guilty verdict could bode poorly for Serbia's future cooperation with the Tribunal, ICTY Belgrade Office Head Deyan Mihov told poloff on April 7. Witness intimidation was a large problem in the Haradinaj case, and could have played a role in the court's ultimate decision, Mihov said. He stressed his concern that witness intimidation could become commonplace in other cases, with the hopes of leading to future "not guilty" verdicts. Particularly, he was concerned this would happen in the ongoing Vojislav Seselj case (reftel). If the Radicals win in May he speculated Serbia would not only end cooperation with the ICTY, but he feared Serbia could actually see greater intimidation of witnesses.

19. (SBU) According to Mihov, new ICTY Chief Prosecutor Serge Brammertz is scheduled to visit Belgrade next week. As of now, the GOS has not yet turned off the visit as a result of the Haradinaj verdict, and Mihov was cautiously optimistic the visit would happen. Although President Tadic was expected to meet with Brammertz, Prime Minister Kostunica would not, Mihov said. According to Mihov, Brammertz's visit was important if Serbia wanted to influence the Prosecutor's next report to the UN on Serbia's cooperation, which would be released in mid May.

GOS: Cooperation will Continue, but the Job just got Harder

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110. (SBU) Serbia's War Crimes Prosecutor, Vladimir Vukcevic, told poloff on April 8 that his office will "absolutely continue to work with the ICTY," despite Serbia's disappointment in the Haradinaj verdict. He particularly singled out the efforts of his office, the President's Office, and the Justice Ministry, but said he expected no cooperation from those ministries controlled by Kostunica. Vukcevic said, however, the verdict has made his work more difficult, citing a new example this week of witness intimidation in the Seselj case, following the Haradinaj verdict. He expressed concern that Seselj's supporters might become more emboldened to use witness intimidation, since they now see this as an effective tool for influencing the verdict.

111. (SBU) Director of the Office of the National Council for Cooperation with the ICTY, Dusan Ignjatovic told poloff on April

8 that the Haradinj verdict was "definitely not not helpful," and he did not expect any further improvement in cooperation with the ICTY. Ignjatovic said, although he would not judge the merit of the Haradinaj case, the verdict was reached improperly, and was "based solely on procedure, and not on the substance of the case." Regardless, Ignjatovic said that there would no change in the cooperation of the Council with the ICTY, but he could not anticipate the level of future cooperation, after elections. Ignjatovic assessed cooperation up to now as "excellent" and he was optimistic that Brammertz's report due in May would be positive.

¶12. (SBU) Economics Professor Mihailo Crnobrnja, a dual Serbian and Canadian citizen, told DCM on April 8 that the verdict hurt even the most western-leaning Serbs. Haradinaj "bragged in his book 'Narrative about War and Freedom' about killing Serbs," Crnobrnja said, "and now that he is released this news is met by complete silence around the world." According to Crnobrnja this silence only adds to Serbian paranoia that "the world is out to get us." Crnobrnja added that it was common knowledge that Haradinaj gained his freedom by eliminating his witnesses and that this also was more than a dangerous precedent.

Comment

¶13. (SBU) Serbs view the Haradinaj verdict as a travesty of justice. The more cynical and radical elements of Serbia's society believe it is yet one more example of the Western world trying to shame and humiliate Serbia. Many pro-Western Serbs are disappointed by the silence of democratic countries to the verdict. Nonetheless, those Serbian public servants intimately involved in the Serbian government's fight for justice remain committed to their tasks, despite their personal feelings on the verdict. Unmistakably, the verdict has made their task to have Serbia live up to its own past all the more difficult, and it may become nearly impossible if the Radicals win the May elections. Both the SRS and the DSS are certain to exploit the verdict for their own political gains in the lead up to the election. And that too would be a travesty for Serbia. End Comment.
MUNTER